

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

Austin Tennant )

Case No. 5:23-MJ-93 (ML)

Defendant(s) )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 9, 2022 until present in the county of Oswego in the Northern District of New York the defendant(s) violated:

*Code Section*  
 18 U.S.C. § 2252A(a)(2)(A)  
 18 U.S.C. § 2252A(a)(5)(B)

*Offense Description*  
 Distributing child pornography  
 Possession of child pornography

This criminal complaint is based on these facts:  
 See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

Lindsey Kennedy, HSI Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: February 16, 2023



Judge's signature

City and State: Binghamton, NY

Hon. Miroslav Lovric, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Lindsey Kennedy being duly sworn, depose and state:

**INTRODUCTION**

1. I am a Special Agent with Homeland Security Investigations (HSI) within the Department of Homeland Security and have been so employed since 2019. As part of my daily duties as a Special Agent with HSI, I investigate crimes involving child exploitation and child pornography, including violations pertaining to the production, distribution, transportation, receipt, and possession of child pornography in violation of Title 18, United States Code, Sections 2252A. I have received specialized training in child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography in various forms of media including computer media. I also have been involved in the execution of numerous child exploitation search warrants, as well as being the affiant for search warrants relating to the possession, receipt and distribution of child exploitative material concerning the Internet, computers, smart phones, electronic devices, and their associated media storage components.

2. This affidavit is made in support of an application for a criminal complaint charging Austin TENNANT ("TENNANT") with violations of Title 18, United States Code, Sections 2252A(a)(2)(A) (distributing child pornography) and 2252A(a)(5)(B) (possession of child pornography).

### **BASIS OF INFORMATION**

3. The information contained in this affidavit is based upon my investigation of this matter and on information provided by other law enforcement agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that TENNANT has distributed and possessed child pornography in violation of the criminal code provisions set forth above.

### **INVESTIGATION AND FACTUAL BASIS FOR THE COMPLAINT**

4. On or about January 24, 2023, Investigator Robert Obrist from the Oswego County Sheriff's Department ("OCSD") executed a residential search warrant at the residence of Austin TENNANT and his father Sean Tennant. Austin TENNANT was previously arrested by the OCSD in August of 2022 for New York State violations involving the promotion of a sexual performance by a child less than 17 years of age. During the execution of the search warrant, TENNANT was the only person at the home. When officers knocked on TENNANT's door, he answered it without wearing pants. Before being transported to the police station, TENNANT asked for the opportunity to put his pants on. A Galaxy A7 Lite Tablet (the "Tablet") was found open and in use near where his pants were located next to a reclining couch. The Tablet was seized subject to the residential search warrant.

5. After the execution of the residential search warrant, Investigator Obrist began a forensic examination of the Tablet pursuant to the search warrant. The Tablet was found to have attribution data linking it to TENNANT.

6. A forensic examination of the Tablet revealed that it had 41 pictures that have associated metadata showing they were taken by the Tablet. One image is black, and the image is not discernable. The other 40 pictures taken with the tablet all contain recognizable images that can be associated with TENNANT. This includes 14 pictures of his face, along with multiple pictures of his body. Other photos taken with the tablet include TENNANT's cat and the inside of TENNANT's truck. The only picture of someone other than TENNANT taken with the tablet is one of his father, Sean Tennant. The picture does not include Sean's face and appears to have been taken by someone else in their living room, sitting in the area of the couch where the tablet was found. Some of the pictures show TENNANT masturbating in the exact part of the couch where the tablet was found. TENNANT is recognizable in these images based on his build, skin tone, body hair, and the fact that he appears to be wearing the same orange shirt he was arrested in.

7. During the forensic examination, Investigator Obrist observed many chat messages on the Tablet where the user stated to other users "I'm Austin," and provided his accurate age as 28.

8. Examination of the Tablet also showed that TENNANT talked to at least two people he knows personally on the Tablet using the TextNow account joe680[XXX]@gmail.com, one being A.H. at phone number 704-[XXX]-7463, and the other being E.T. at phone number 315-[XXX]-6790. A.H. informed Investigator Obrist via email that she met TENNANT on Tinder, where he used a different name and a profile of picture of someone else. A.H. sent me a screenshot of the Tinder profile, and I found



the picture in the Tablet extraction. A.H. confirmed that TENNANT is associated with the TextNow account logged into the Tablet.

9. TENNANT has made phone calls to E.T. at phone number 315-[XXX]-6790 from the jail since he was arrested. There is a TextNow conversation where TENNANT arranges to meet with E.T. at the Flamingo Bowl on 12/17/2022. TENNANT tells E.T. he is parked under the Flamingo Bowl sign. A picture was taken with the tablet that night showing the dashboard of TENNANT's truck. The reflection of the Flamingo Bowl sign can be seen in the entertainment console of his truck.

10. Based on my experience, the Tablet can be linked to TENNANT because the multiple pieces of attribution evidence including where it was found and the contents of the Tablet.

11. During the forensic examination of the Tablet, Investigator Obrist also recovered numerous image and video files depicting child sexual abuse material ("CSAM"). Investigator Obrist also recovered several chats on the Tablet that originated from the TextNow Application.

12. Forensic reviews of TENNANT's Tablet revealed approximately 275 videos depicting CSAM and over 500 images depicting CSAM saved on the Tablet. The following is a description of two of the video files recovered. These files, as well as all others, are available for the Court's inspection upon request.

- a. **Video ending in 29478:** This video was found on the device in a folder named, "MEGA Downloads". The video is approximately two minutes in length. The video depicts a prepubescent male approximately four to six years of age on his knees wearing a blue sweatshirt. The child's wrists are bound to his ankles with black rope. In the video, an adult male's penis can be seen penetrating the anus of the child. As the video continues, the adult male ejaculates on the child's back. The adult male also penetrates the

child's anus with his finger. At the end of the video, a piece of paper is seen between the child's feet, written on the paper is, "Twinkle 4 Uncle T".

- b. **Video ending in WA0039:** This video was found on the device in a folder named, "Mega Downloads". The video is approximately six minutes and seventeen seconds long. The video depicts a prepubescent male child approximately six to eight years of age. The child is restrained with what appear to be handcuffs on his ankles and wrists, the wrists are bound to the ankles. The child is seen laying on his back on what appears to be a couch. As the video progresses a naked adult male appears and starts digitally penetrating the prepubescent male's anus, and manually stimulating his penis. Further in the video, the adult male picks the child up and moves him so he is kneeling. The naked adult male also anally penetrates the child with a foreign object, his fingers, and then his penis.

13. Forensic review of TENNANT's Tablet revealed multiple TextNow conversations between TENNANT and individuals claiming to be minors under the age of 18.

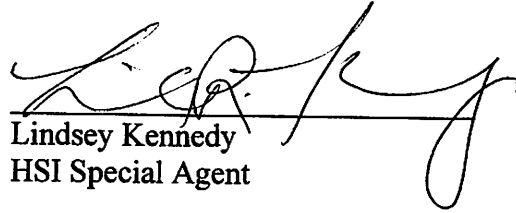
14. In one such instance dated January 16, 2023, Tennant had a conversation via TextNow with the phone number, 321-[XXX]-3773. Most of the conversation between TENNANT and 321-[XXX]-3773, was about sexually abusing children, and TENNANT distributed multiple CSAM images to the user at that number during the conversation, including the following, which are available for the Court's review upon request:

- a. **Image 1000002090.jpg:** On January 16, 2023, TENNANT distributed an image depicting a prepubescent female child approximately three to five years of age. She is on her back on a couch with her legs spread open and she is completely nude. In the photo is an adult male penis and it appears there is semen on the child's vagina. The focus of the image is on her vagina and the semen near her vaginal opening.
- b. **Image 1000002091.jpg:** On January 16, 2023, TENNANT distributed an image depicting an infant/toddler approximately 18 months to two years of age. The toddler appears to be wearing a blue and grey shirt, and is nude from the waist down, and an adult male's penis is penetrating her anus.


## CONCLUSION

15. Based upon the above information, there is probable cause to conclude that

Austin TENNANT has violated Title 18, United States Code, Sections 2252A(a)(2)(A) (distributing child pornography) and 2252A(a)(5)(B) (possession of child pornography).

  
Lindsey Kennedy  
HSI Special Agent

Sworn to me this  
16 day of February 2023

  
The Honorable Miroslav Lovric  
United States Magistrate Judge